

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

| | | |
|-----------------------------------|---|--------------------------------------|
| CARLTON GADDIS and LATANZA | § | |
| GADDIS, INDIVIDUALLY and | § | |
| As NEXT FRIEND OF | § | |
| COURTLIN GADDIS, a MINOR | § | CIVIL ACTION NO. 1:00-CV-0034 |
| | § | (SCHELL) |
| VS. | § | |
| | § | |
| UNITED STATES OF AMERICA | § | |
| & ANDREW OWENS, JR. | § | |

AGREED ORDER TERMINATING TRUST

On this day, came on to be heard and/or considered the Application to Terminate Trust (hereinafter referred to as the "Application") which was filed in this cause by Applicant CADENCE BANK, N.A. (f.k.a. - Encore Bank, N.A.), in its capacity as the Trustee of the Courtlin Gaddis Section 142 Trust (hereinafter referred to as the "Applicant"). After reviewing the pleadings which have been filed in this cause and the arguments of counsel, the Court is of the opinion and finds the following:

1. That the Court has subject matter jurisdiction over this action pursuant to Sections 142.005(d) and 115.001 of the Texas Property (Trust) Code;
2. That the Court is a proper venue for this action under Section 115.002 of the Texas Property (Trust) Code because the situs of the administration of the Courtlin Gaddis Section 142.005 Trust (hereinafter referred to as the "Trust") has been maintained in Jefferson County, Texas during the preceding thirteen (13) year time period;
3. That Courtlin Gaddis is the sole beneficiary of the Trust, and that there are no contingent or remainder beneficiaries of the Trust, other than Courtlin Gaddis' probate estate;
4. That Courtlin Gaddis, pursuant to section 115.013 of the Texas Property (Trust) Code, is the only individual interested in the Trust, and his actions and consents bind all potential beneficiaries of the Trust;
5. That compliance with the terms of the Trust would defeat or substantially impair the purpose of the Trust because of circumstances not known to or anticipated by the Settlor (a.k.a. - the Court) at the time that the Trust was created;

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Agreed Order Terminating Trust

6. That the Trust should be terminated as prayed for in the Application;
7. That Applicant should be released and discharged of all duties and responsibilities with respect to the Trust, and all claims or causes of action attributable to any act or omission of Applicant, upon its delivery of all remaining assets of the Trust, after all payments required by the terms of this Order have been made, to Courtlin Gaddis (a.k.a. - the sole beneficiary of the Trust);
8. That the annuity company (American General Life Insurance Company) should be ordered by the Court to make all future annuity payments which are due and owing to the Trust payable to Courtlin Gaddis; and
9. That Applicant's final trustee's fee, as well as all attorney's fees and court costs incurred by Applicant in connection with this proceeding, should be paid out of the trust estate of the Trust as an expense of administering the Trust.

It is therefore,


ORDERED, ADJUDGED and DECREED, that the Trust is hereby terminated as prayed for in the Application. It is further,

ORDERED, ADJUDGED and DECREED, that Applicant is hereby released and discharged of all duties and responsibilities with respect to the Trust, and all claims or causes of action attributable to any act or omission of Applicant, upon its delivery of all remaining assets of the Trust, after all payments required by the terms of this Order have been made, to Courtlin Gaddis (a.k.a. - the sole beneficiary of the Trust). It is further,

ORDERED, ADJUDGED, and DECREED, that American General Life Insurance Company shall make all future annuity payments which are due and owing to the Trust payable to Courtlin Gaddis. It is further,

ORDERED, ADJUDGED and DECREED, that Applicant's final trustee's fee, as well as all attorney's fees and court costs incurred by Applicant in connection with this proceeding, shall be paid out of the trust estate of the Trust as an expense of administering the Trust.

SIGNED this the 18th day of December, 2017.


RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE

APPROVED:

MacINTYRE McCULLOCH STANFIELD
& YOUNG, LLP

By: 

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ATTORNEYS FOR APPLICANT

AGREED AND APPROVED:


COURTLIN GADDIS, Pro Se